

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CONSTANCE BARTON, KIMBERLY )  
CLARK, WESLEY CLARK, TRACIE )  
HUNT, ELEANOR WALTERS, KAREN )  
MEREDITH, GILBERT BREEDEN, )  
LACENTIA THOMPSON, MATHESIA )  
PETERSON, and CHESTER )  
CHARNESKI, on behalf of themselves )  
and on behalf of classes of those )  
similarly situated, )  
Plaintiffs, )  
v. ) 1:04-CV-748  
THE PANTRY, INC., also doing )  
business as, THE PANTRY, BIG K, )  
CAMPUS STORE, CHARLESTON'S )  
DEPOT, ETNA, EXPRESS STOP, )  
FAST LANE, FOOD CHIEF, GOLDEN )  
GALLON, HANDY WAY, )  
KANGAROO, KANGAROO EXPRESS, )  
LIL CHAMP FOOD STORE, )  
MARKET EXPRESS, MINI MART, )  
ON THE WAY, QUICK STOP )  
SMOKERS EXPRESS, SPRINT, )  
WICKER MART, ZIP MART, and by )  
other names, )  
Defendants. )

ORDER

For the reasons set forth in the contemporaneously filed Memorandum  
Opinion, The Pantry's Motion to Dismiss [Doc. #12] is DENIED as far as it requests  
dismissal of Plaintiffs' claims under the NCWHA §§ 95-25.6 and 95-25.13 and  
GRANTED as far as it requests dismissal of Plaintiffs' claims under the FLSA and

the NCWHA for alleged violations of statutory record-keeping provisions.

This the day of May 17, 2006

/s/ N. Carlton Tilley, Jr.  
United States District Judge